

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

CASE NUMBER: 05-80025
HONORABLE VICTORIA A. ROBERTS

v.

D-1 TIMOTHY DENNIS O'REILLY,

Defendant(s).

ORDER

This matter is before the Court on the Government's "Motion in Limine to Permit Victim's Family Members to be Present in Court During Trial." (Doc. #505).

18 U.S.C. §3510(b) says:

Capital cases. -- Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as to the effect of the offense on the victim and the victim's family or as to any other factor for which notice is required under section 3593(a).

"Victim" is defined as "a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime[.]" 42 U.S.C. §10607(e)(2).

The Government's motion is **GRANTED**. Surviving family members may attend Timothy O'Reilly's trial.

However, before O'Reilly's trial begins, the parties must meet and discuss appropriate limits that should be in place concerning the conduct of relatives of victims. See Order dated May 10, 2007.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: June 3, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 3, 2010.

s/Carol A. Pinegar
Deputy Clerk